

REFERENCE TITLE: regulation of off-highway vehicles

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1508

Introduced by
Senators Flake, Bennett

AN ACT

AMENDING TITLE 5, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; TRANSFERRING AND RENUMBERING SECTION 28-1175, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 5, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTION 5-911; AMENDING SECTION 5-911, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; RELATING TO OFF-HIGHWAY VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 5, Arizona Revised Statutes, is amended by adding
3 chapter 9, to read:

4 CHAPTER 9

5 OFF-HIGHWAY VEHICLES

6 ARTICLE 1. GENERAL PROVISIONS

7 5-901. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "CLOSED COURSE" MEANS A MAINTAINED FACILITY THAT USES A DEPARTMENT
10 OF TRANSPORTATION APPROVED DUST ABATEMENT MEASURE AND THAT HAS WATER
11 AVAILABLE FOR FIRE ABATEMENT.

12 2. "HIGHWAY" MEANS THE ENTIRE WIDTH BETWEEN THE BOUNDARY LINES OF
13 EVERY WAY PUBLICLY MAINTAINED BY THE FEDERAL GOVERNMENT, THE DEPARTMENT OF
14 TRANSPORTATION, A CITY, A TOWN OR A COUNTY IF ANY PART OF THE WAY IS
15 GENERALLY OPEN TO THE USE OF THE PUBLIC FOR PURPOSES OF CONVENTIONAL
16 TWO-WHEEL DRIVE VEHICULAR TRAVEL. HIGHWAY DOES NOT INCLUDE ROUTES DESIGNATED
17 FOR OFF-HIGHWAY VEHICLE USE.

18 3. "OFF-HIGHWAY VEHICLE":

19 (a) MEANS A MOTORIZED VEHICLE WHEN OPERATED OFF OF HIGHWAYS ON LAND,
20 WATER, SNOW, ICE OR OTHER NATURAL TERRAIN OR ON A COMBINATION OF LAND, WATER,
21 SNOW, ICE OR OTHER NATURAL TERRAIN.

22 (b) INCLUDES A TWO-WHEEL, THREE-WHEEL OR FOUR-WHEEL VEHICLE,
23 MOTORCYCLE, FOUR-WHEEL DRIVE VEHICLE, DUNE BUGGY, AMPHIBIOUS VEHICLE, GROUND
24 EFFECTS OR AIR CUSHION VEHICLE AND ANY OTHER MEANS OF LAND TRANSPORTATION
25 DERIVING MOTIVE POWER FROM A SOURCE OTHER THAN MUSCLE OR WIND.

26 (c) DOES NOT INCLUDE A VEHICLE THAT IS EITHER:

27 (i) DESIGNED PRIMARILY FOR TRAVEL ON, OVER OR IN THE WATER.

28 (ii) USED IN INSTALLATION, INSPECTION, MAINTENANCE, REPAIR OR RELATED
29 ACTIVITIES INVOLVING FACILITIES FOR THE PROVISION OF UTILITY OR RAILROAD
30 SERVICE.

31 4. "OFF-HIGHWAY VEHICLE TRAIL" MEANS A MULTIPLE USE CORRIDOR THAT IS
32 ALL OF THE FOLLOWING:

33 (a) OPEN TO RECREATIONAL TRAVEL BY AN OFF-HIGHWAY VEHICLE.

34 (b) NOT NORMALLY SUITABLE FOR TRAVEL BY CONVENTIONAL TWO-WHEEL DRIVE
35 VEHICLES.

36 (c) OPENED BY THE MANAGING AUTHORITY OF THE PROPERTY THAT THE TRAIL
37 TRAVERSES FOR THE SPECIFIC DESIGNATED PURPOSE OF RECREATIONAL OFF-HIGHWAY
38 VEHICLE USE.

39 5. "OFF-HIGHWAY VEHICLE TYPE I VEHICLE" MEANS ANY MOTOR VEHICLE TO
40 WHICH ALL OF THE FOLLOWING APPLY:

41 (a) THE MOTOR VEHICLE IS FIFTY INCHES OR LESS IN WIDTH.

42 (b) THE MOTOR VEHICLE HAS AN UNLADEN DRY WEIGHT OF EIGHT HUNDRED
43 POUNDS OR LESS.

44 (c) THE MOTOR VEHICLE TRAVELS ON THREE OR MORE TIRES.

1 (d) THE MOTOR VEHICLE HAS A SEAT DESIGNED TO BE STRADDLED BY THE
2 OPERATOR.

3 (e) THE MOTOR VEHICLE IS DESIGNED FOR OR CAPABLE OF OFF-HIGHWAY USE.

4 6. "OFF-HIGHWAY VEHICLE TYPE II VEHICLE" MEANS ANY MOTOR VEHICLE THAT
5 HAS A SADDLE FOR THE USE OF THE OPERATOR AND THAT IS DESIGNED TO TRAVEL ON
6 NOT MORE THAN TWO TIRES PRIMARILY FOR OFF-HIGHWAY USE.

7 7. "OFF-HIGHWAY VEHICLE TYPE III VEHICLE" MEANS ANY MOTOR VEHICLE THAT
8 IS NOT AN OFF-HIGHWAY VEHICLE TYPE I VEHICLE OR AN OFF-HIGHWAY VEHICLE TYPE
9 II VEHICLE AND THAT IS DESIGNED FOR OR CAPABLE OF OFF-HIGHWAY USE.

10 8. "OFF-HIGHWAY VEHICLE USE AREA" MEANS THE ENTIRE AREA OF A PARCEL OF
11 LAND, EXCEPT FOR CAMPING AND APPROVED BUFFER AREAS, THAT IS MANAGED
12 SPECIFICALLY FOR OFF-HIGHWAY VEHICLE USE.

13 5-902. Copper sticker off-highway vehicle management and safety
14 fund

15 A. THE COPPER STICKER OFF-HIGHWAY VEHICLE MANAGEMENT AND SAFETY FUND
16 IS ESTABLISHED. THE FUND CONSISTS OF ALL OF THE FOLLOWING:

17 1. MONIES DEPOSITED PURSUANT TO SECTION 5-903.

18 2. FEDERAL GRANTS AND PRIVATE GIFTS.

19 3. MATCHING MONIES FROM FEDERAL, STATE, LOCAL OR PRIVATE ENTITIES.

20 B. THE ARIZONA GAME AND FISH DEPARTMENT SHALL ADMINISTER THE FUND.
21 MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED SOLELY FOR THE PURPOSES
22 PROVIDED IN THIS SECTION AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
23 RELATING TO LAPSING OF APPROPRIATIONS. ON NOTICE FROM THE ARIZONA GAME AND
24 FISH DEPARTMENT, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE
25 FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL
26 BE CREDITED TO THE FUND.

27 C. THE ARIZONA GAME AND FISH DEPARTMENT SHALL SPEND NO MORE THAN SEVEN
28 PER CENT OF THE TOTAL REVENUE GENERATED AND DEPOSITED IN THE FUND TO DEVELOP
29 AND IMPLEMENT A COPPER STICKER USER FEE COLLECTION SYSTEM THROUGH THE ARIZONA
30 GAME AND FISH DEPARTMENT AND ITS AGENTS PURSUANT TO SECTION 5-903. THE
31 REMAINING MONIES DEPOSITED IN THE FUND SHALL BE USED AS FOLLOWS:

32 1. UP TO TEN PER CENT MAY BE SPENT BY THE STATE LAND DEPARTMENT TO
33 ALLOW OCCUPANTS OF OFF-HIGHWAY VEHICLES WITH A COPPER STICKER TO CROSS STATE
34 TRUST LAND ON EXISTING ROADS, TRAILS AND DESIGNATED ROUTES. OCCUPANTS OF
35 OFF-HIGHWAY VEHICLES WITH A COPPER STICKER WHO CROSS STATE TRUST LANDS MUST
36 COMPLY WITH ALL OF THE RULES AND REQUIREMENTS UNDER A STATE TRUST LAND
37 RECREATIONAL PERMIT. ALL OTHER ACTIVITIES REQUIRE A STATE TRUST LAND
38 RECREATIONAL PERMIT ISSUED BY THE STATE LAND DEPARTMENT. THE STATE LAND
39 DEPARTMENT MAY USE THESE MONIES FOR COSTS ASSOCIATED WITH OFF-HIGHWAY VEHICLE
40 USE OF LANDS WITHIN ITS JURISDICTION TO MANAGE AND MITIGATE IMPACTS
41 ASSOCIATED WITH OFF-HIGHWAY VEHICLE USE AND FOR ENFORCEMENT OF OFF-HIGHWAY
42 VEHICLE RULES. THE STATE LAND COMMISSIONER MAY RECLASSIFY STATE TRUST LAND
43 AS NECESSARY PURSUANT TO SECTION 37-212. ANY UNUSED BALANCE OF THESE MONIES
44 AT THE END OF EACH FISCAL YEAR SHALL REMAIN IN THE FUND.

1 2. FIFTEEN PER CENT MAY BE SPENT BY THE ARIZONA GAME AND FISH
2 DEPARTMENT FOR BOTH OF THE FOLLOWING:

3 (a) LAW ENFORCEMENT ACTIVITIES RELATING TO THIS CHAPTER.

4 (b) OFF-HIGHWAY VEHICLE LAW ENFORCEMENT PURSUANT TO TITLE 17, CHAPTER
5 4, ARTICLE 3.

6 3. TWENTY-FIVE PER CENT MAY BE SPENT BY THE ARIZONA GAME AND FISH
7 DEPARTMENT FOR DEVELOPMENT AND ADMINISTRATION OF AN EDUCATIONAL COURSE
8 PRESCRIBED BY SECTION 5-911 AND FOR AN OUTREACH AND INFORMATION PROGRAM ON
9 OFF-HIGHWAY VEHICLE RECREATION AND RESPONSIBLE OFF-HIGHWAY VEHICLE USE.

10 4. FIFTY PER CENT MAY BE SPENT BY THE ARIZONA GAME AND FISH DEPARTMENT
11 TO DEVELOP AND IMPLEMENT A GRANT OR AGREEMENT PROGRAM, OR BOTH A GRANT AND
12 AGREEMENT PROGRAM, THAT DISTRIBUTES THE MONIES, IN AN AMOUNT DETERMINED BY
13 THE OFF-HIGHWAY VEHICLE ADVISORY GROUP ESTABLISHED BY SECTION 5-904 AND
14 APPROVED BY THE ARIZONA GAME AND FISH COMMISSION, TO A QUALIFIED STATE OR
15 FEDERAL AGENCY, CITY, TOWN, COUNTY OR TRIBAL GOVERNMENT. AGENCIES RECEIVING
16 MONIES UNDER THIS PARAGRAPH SHALL USE THE MONIES FOR ANY OF THE FOLLOWING:

17 (a) ENFORCEMENT OF OFF-HIGHWAY VEHICLE LAWS.

18 (b) OFF-HIGHWAY VEHICLE-RELATED ENVIRONMENTAL EDUCATION, INFORMATION,
19 SIGNAGE AND MAPS.

20 (c) OFF-HIGHWAY VEHICLE ACCESS, INCLUDING DEVELOPMENT, LEASE OR
21 ACQUISITION OF ROADS, TRAILS, ROUTES, RIGHTS-OF-WAY AND EASEMENTS.

22 (d) MITIGATION OF DAMAGES TO LAND.

23 (e) INVENTORY, DESIGNATION, CONSTRUCTION, MAINTENANCE AND MANAGEMENT
24 OF OFF-HIGHWAY VEHICLE USE AREAS AND OFF-HIGHWAY VEHICLE TRAILS AND ROADS
25 WITHIN LAND UNDER THE JURISDICTION OF THE PARTICULAR AGENCY OR ANOTHER AGENCY
26 OR LANDOWNER WITH PROOF OF CONCURRENCE FROM THE AGENCY OF JURISDICTION OR
27 LANDOWNER.

28 (f) NECESSARY ENVIRONMENTAL, HISTORICAL AND CULTURAL CLEARANCE OR
29 COMPLIANCE ACTIVITIES AND ACTIONS.

30 D. THE ARIZONA GAME AND FISH COMMISSION MAY ADOPT RULES NECESSARY TO
31 IMPLEMENT THIS SECTION.

32 5-903. Copper sticker requirements; fees; definition

33 A. A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE TYPE I VEHICLE,
34 OFF-HIGHWAY VEHICLE TYPE II VEHICLE OR OFF-HIGHWAY VEHICLE TYPE III VEHICLE
35 ON ANY LANDS IN THIS STATE, INCLUDING ANY OFF-HIGHWAY VEHICLE TRAIL, ROAD OR
36 OFF-HIGHWAY VEHICLE USE AREA AND EXCLUDING PRIVATE LAND AND INDIAN LAND,
37 UNLESS THE PERSON HAS A COPPER STICKER FOR THE CURRENT YEAR AFFIXED OR
38 CONSPICUOUSLY DISPLAYED ON THE BACK OF THE VEHICLE OR ON THE FRONT FEND OF
39 THE VEHICLE OR UNLESS THE VEHICLE IS EXEMPT UNDER SECTION 5-905. THIS
40 SUBSECTION APPLIES TO BOTH OF THE FOLLOWING:

41 1. ALL REGISTERED AND UNREGISTERED OFF-HIGHWAY VEHICLE TYPE I VEHICLES
42 AND OFF-HIGHWAY VEHICLE TYPE II VEHICLES THAT ARE OWNED BY RESIDENTS AND
43 NONRESIDENTS.

44 2. ALL UNREGISTERED OFF-HIGHWAY VEHICLE TYPE III VEHICLES THAT ARE
45 OWNED BY RESIDENTS AND NONRESIDENTS.

B. A PERSON SHALL NOT OPERATE A REGISTERED OR UNREGISTERED OFF-HIGHWAY VEHICLE TYPE I VEHICLE, OFF-HIGHWAY VEHICLE TYPE II VEHICLE OR OFF-HIGHWAY VEHICLE TYPE III VEHICLE IN ANY OFF-HIGHWAY VEHICLE USER FEE AREA, ROAD OR TRAIL DESIGNATED AS A COPPER STICKER FEE AREA IN THIS STATE WITHOUT A COPPER STICKER FOR THE CURRENT YEAR AFFIXED OR CONSPICUOUSLY DISPLAYED ON THE BACK OF THE VEHICLE OR ON THE FRONT FORK OF THE VEHICLE UNLESS THE VEHICLE IS EXEMPT UNDER SECTION 5-905.

C. COPPER STICKER FEE AREAS SHALL BE RECOMMENDED BY THE OFF-HIGHWAY VEHICLE ADVISORY GROUP ESTABLISHED BY SECTION 5-904 AND APPROVED BY THE ARIZONA GAME AND FISH COMMISSION. COPPER STICKER FEE AREAS SHALL BE SIGNED OR DESIGNATED ON A MAP DEMARCATING THE COPPER STICKER FEE AREA. THE MAP SHALL BE KEPT ON RECORD BY THE ARIZONA GAME AND FISH COMMISSION AND THE LAND MANAGEMENT AGENCY RESPONSIBLE FOR ADMINISTERING THE COPPER STICKER FEE AREA.

D. THE OWNER OR OPERATOR OF ANY OFF-HIGHWAY VEHICLE REQUIRING THE COPPER STICKER UNDER THIS CHAPTER SHALL APPLY FOR A COPPER STICKER FROM THE ARIZONA GAME AND FISH DEPARTMENT OR ITS AUTHORIZED AGENTS ON FORMS APPROVED BY THE ARIZONA GAME AND FISH DEPARTMENT. EACH APPLICATION FOR A COPPER STICKER SHALL BE ACCOMPANIED BY ALL OF THE FOLLOWING:

1. THE NAME, ADDRESS AND DATE OF BIRTH OF THE VEHICLE OWNER.
2. THE TYPE, MAKE, MODEL AND VEHICLE IDENTIFICATION NUMBER OF THE VEHICLE TO WHICH THE STICKER WILL BE AFFIXED.
3. THE PRINCIPAL COUNTY AND PREFERRED COUNTY WHERE THE OFF-HIGHWAY VEHICLE WILL BE OPERATED IN THIS STATE.

E. A PERSON SHALL NOT USE OR PERMIT THE USE OR DISPLAY OF ANY COPPER STICKER ON OR IN THE OPERATION OF ANY OFF-HIGHWAY VEHICLE OTHER THAN THE VEHICLE FOR WHICH IT WAS ISSUED.

F. COPPER STICKERS ARE VALID FOR ONE CALENDAR YEAR BEGINNING JANUARY 1 THROUGH DECEMBER 31 OF THE SAME YEAR.

G. THE ANNUAL COPPER STICKER FEE AND THE FEE FOR A DUPLICATE COPPER STICKER SHALL BE DETERMINED BY THE DIRECTOR OF THE ARIZONA GAME AND FISH DEPARTMENT. EACH MONTH THE COPPER STICKER FEES RECEIVED BY THE ARIZONA GAME AND FISH DEPARTMENT SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE COPPER STICKER OFF-HIGHWAY VEHICLE MANAGEMENT AND SAFETY FUND ESTABLISHED BY SECTION 5-902.

H. ALL RECORDS OF THE ARIZONA GAME AND FISH DEPARTMENT MADE OR KEPT PURSUANT TO THIS SECTION ARE PUBLIC RECORDS. THE ARIZONA GAME AND FISH DEPARTMENT SHALL FURNISH INFORMATION OR COPIES FROM RECORDS KEPT PURSUANT TO THIS SECTION SUBJECT TO SECTIONS 39-121.01 AND 39-121.03.

I. FOR THE PURPOSES OF THIS SECTION, "COPPER STICKER FEE AREA" INCLUDES OFF-HIGHWAY VEHICLE RECREATIONAL FACILITIES AND OFF-HIGHWAY VEHICLE USE AREAS, ROADS AND TRAILS THAT ARE DESIGNATED AND APPROVED AS COPPER STICKER FEE AREAS PURSUANT TO THIS SECTION.

5-904. Off-highway vehicle advisory group

A. THE OFF-HIGHWAY VEHICLE ADVISORY GROUP IS ESTABLISHED CONSISTING OF SEVEN MEMBERS WHO ARE APPOINTED BY THE ARIZONA STATE PARKS BOARD AND THE

1 ARIZONA GAME AND FISH COMMISSION. NOT MORE THAN TWO MEMBERS SHALL BE
2 RESIDENTS OF THE SAME COUNTY AND NOT MORE THAN THREE MEMBERS SHALL BE
3 RESIDENTS OF COUNTIES WITH POPULATIONS OF MORE THAN FIVE HUNDRED THOUSAND
4 PERSONS. THE MEMBERSHIP SHALL BE FOR THREE YEAR TERMS. THE MEMBERS SHALL
5 ANNUALLY ELECT ONE MEMBER TO ACT AS A CHAIR. THE MEMBERSHIP SHALL BE AS
6 FOLLOWS:

- 7 1. THREE MOTORIZED RECREATIONAL USERS.
- 8 2. ONE DISPERSED RECREATIONAL USER.
- 9 3. ONE OFF-HIGHWAY VEHICLE DEALER LICENSED PURSUANT TO TITLE 28.
- 10 4. ONE MEMBER OF A SPORTING GROUP.
- 11 5. ONE ELECTED OFFICIAL FROM A CITY, TOWN OR COUNTY.
- 12 B. GROUP MEMBERS SERVE THREE-YEAR TERMS. GROUP MEMBERS SHALL ANNUALLY
13 ELECT A CHAIRPERSON FROM AMONG THE GROUP MEMBERS.

14 C. THE OFF-HIGHWAY VEHICLE ADVISORY GROUP SHALL EXAMINE APPLICATIONS
15 FOR ELIGIBLE PROJECTS AND DETERMINE THE AMOUNT OF FUNDING, IF ANY, FOR EACH
16 PROJECT WITH APPROVAL FROM THE ARIZONA GAME AND FISH COMMISSION. IN
17 ALLOCATING THE MONIES FROM THE GRANT AND AGREEMENT PROGRAM, THE OFF-HIGHWAY
18 VEHICLE ADVISORY GROUP AND ARIZONA GAME AND FISH COMMISSION MAY CONSIDER
19 ISSUES RELATING TO OFF-HIGHWAY VEHICLES, INCLUDING THE FOLLOWING:

- 20 1. THE ADEQUACY OF THE APPLICANT'S EXISTING OFF-HIGHWAY VEHICLE
21 MANAGEMENT PROGRAMS.
- 22 2. THE NUMBER OF OFF-HIGHWAY VEHICLE RECREATIONAL DAYS OF USE WITHIN
23 THE JURISDICTION OF THE APPLICANT'S AREA OF ADMINISTRATIVE AUTHORITY.
- 24 3. THE ACREAGE OF PUBLIC AND STATE LAND WITHIN THE JURISDICTION OF THE
25 APPLICANT'S AREA OF ADMINISTRATIVE AUTHORITY.
- 26 4. THE ABILITY OF THE APPLICANT TO CONSTRUCTIVELY USE ADDITIONAL
27 MONIES.
- 28 5. THE SCOPE AND EFFECTIVENESS OF THE GRANT PROPOSAL.
- 29 6. ANY MATCHING MONIES.

30 5-905. Exemptions

31 THE FOLLOWING OFF-HIGHWAY VEHICLE TYPE I VEHICLES AND OFF-HIGHWAY
32 VEHICLE TYPE II VEHICLES ARE EXEMPT FROM THE COPPER STICKER REQUIREMENTS OF
33 THIS CHAPTER:

- 34 1. FOR A PERIOD OF NO MORE THAN THIRTY CONSECUTIVE DAYS, OFF-HIGHWAY
35 VEHICLES THAT ARE OWNED BY A NONRESIDENT AND THAT ARE DISPLAYING A CURRENT
36 OFF-HIGHWAY VEHICLE USER DECAL OR REGISTRATION FROM THE NONRESIDENT'S STATE
37 OF RESIDENCE.
- 38 2. AN OFF-HIGHWAY VEHICLE THAT IS SOLD BY A DEALER TO A PERSON WHO IS
39 NOT A RESIDENT OF THIS STATE AND WHO DOES NOT INTEND TO OPERATE THE VEHICLE
40 IN THIS STATE.
- 41 3. AN OFF-HIGHWAY VEHICLE IMPLEMENT OF HUSBANDRY ONLY WHEN BEING
42 OPERATED FOR THE PURPOSES OF HUSBANDRY. FOR THE PURPOSES OF THIS PARAGRAPH,
43 "OFF-HIGHWAY VEHICLE IMPLEMENT OF HUSBANDRY" MEANS AN OFF-HIGHWAY VEHICLE
44 USED PRIMARILY IN THE CONDUCT OF AGRICULTURAL OPERATIONS.

1 4. NEW OFF-HIGHWAY VEHICLES THAT ARE BEING TRANSPORTED TO AN
2 OFF-HIGHWAY VEHICLE DEALERSHIP BY THE DEALER, EMPLOYEE OF THE DEALERSHIP OR
3 AGENT FOR THE DEALERSHIP.

4 5. AN OFF-HIGHWAY VEHICLE THAT IS OWNED OR OPERATED, OR BOTH OWNED AND
5 OPERATED, BY THE UNITED STATES GOVERNMENT, THIS STATE OR A POLITICAL
6 SUBDIVISION OF THIS STATE.

7 5-906. Operation of off-highway vehicles on highways; liability

8 A. NO PERSON MAY OPERATE AN UNREGISTERED OFF-HIGHWAY VEHICLE ON ANY
9 STREET OR HIGHWAY THAT IS NOT DESIGNATED AS OPEN TO OFF-HIGHWAY VEHICLE USE
10 PURSUANT TO SECTION 28-627, SUBSECTION A, PARAGRAPH 13 EXCEPT IF ANY OF THE
11 FOLLOWING APPLIES:

12 1. IF CROSSING A STREET OR HIGHWAY, THE OPERATOR COMES TO A COMPLETE
13 STOP BEFORE CROSSING, PROCEEDS ONLY AFTER YIELDING THE RIGHT-OF-WAY TO
14 ONCOMING TRAFFIC AND CROSSES AT A RIGHT ANGLE IN A CROSSING AREA DESIGNATED
15 BY THE MANAGING AUTHORITY.

16 2. IF A PERSON IS LOADING OR UNLOADING AN OFF-HIGHWAY VEHICLE FROM A
17 VEHICLE OR TRAILER, WHICH SHALL BE DONE WITH DUE REGARD FOR SAFETY AND AT THE
18 NEAREST PRACTICAL POINT OF OPERATION UNLESS A DESIGNATED STAGING AREA IS
19 AVAILABLE.

20 3. IF AN EMERGENCY EXISTS, DURING ANY PERIOD OF TIME AND AT THOSE
21 LOCATIONS WHERE THE OPERATION OF CONVENTIONAL MOTOR VEHICLES IS IMPRACTICAL
22 OR IF THE OPERATION IS DIRECTED BY A PEACE OFFICER OR OTHER PUBLIC AUTHORITY.

23 B. A FEDERAL, STATE, COUNTY OR MUNICIPAL AGENCY IS NOT SUBJECT TO
24 CIVIL LIABILITY FOR ANY ACTION RELATING TO THE DESIGNATION OR MAINTENANCE OF
25 ANY LAND, TRAIL, STREET OR HIGHWAY THAT IS OPEN FOR OFF-HIGHWAY VEHICLE USE.

26 5-907. Off-highway vehicle equipment requirements; rule making;
27 classification

28 A. ALL OFF-HIGHWAY VEHICLES IN OPERATION IN THIS STATE SHALL BE
29 EQUIPPED WITH ALL OF THE FOLLOWING:

30 1. BRAKES ADEQUATE TO CONTROL THE MOVEMENT OF AND TO STOP AND HOLD THE
31 VEHICLE UNDER NORMAL OPERATING CONDITIONS.

32 2. LIGHTED HEADLIGHTS AND TAIL LIGHTS THAT MEET OR EXCEED ORIGINAL
33 EQUIPMENT MANUFACTURER GUIDELINES IF OPERATED BETWEEN ONE-HALF HOUR AFTER
34 LEGAL SUNSET AND ONE-HALF HOUR BEFORE LEGAL SUNRISE.

35 3. A MUFFLER THAT IS IN GOOD WORKING ORDER AND THAT IS IN CONSTANT
36 OPERATION TO PREVENT EXCESSIVE OR UNUSUAL NOISE ABOVE NINETY-SIX DECIBELS, IF
37 MEASURED FROM A DISTANCE OF TWENTY INCHES USING TEST PROCEDURES ESTABLISHED
38 BY THE SOCIETY OF AUTOMOTIVE ENGINEERS EXCEPT IF OPERATING ON A CLOSED
39 COURSE.

40 4. A SPARK ARRESTOR DEVICE THAT IS APPROVED BY THE UNITED STATES
41 DEPARTMENT OF AGRICULTURE AND THAT IS IN CONSTANT OPERATION EXCEPT IF
42 OPERATING ON A CLOSED COURSE.

43 5. A SAFETY FLAG THAT IS AT LEAST SIX BY TWELVE INCHES AND THAT IS
44 ATTACHED TO THE OFF-HIGHWAY VEHICLE AT LEAST EIGHT FEET ABOVE THE SURFACE OF

1 LEVEL GROUND, IF OPERATED ON SAND DUNES OR AREAS DESIGNATED BY THE MANAGING
2 AGENCY.

3 B. A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE MAY NOT OPERATE OR RIDE
4 ON AN OFF-HIGHWAY VEHICLE TYPE I VEHICLE OR AN OFF-HIGHWAY VEHICLE TYPE II
5 VEHICLE ON PUBLIC OR STATE LAND UNLESS THE PERSON IS WEARING A PROPERLY
6 FITTED AND FASTENED PROTECTIVE HEADGEAR DESIGNED FOR MOTORIZED VEHICLE USE
7 WITH A MINIMUM UNITED STATES DEPARTMENT OF TRANSPORTATION SAFETY RATING.

8 C. THE ARIZONA GAME AND FISH COMMISSION MAY:

9 1. MAKE RULES NECESSARY TO IMPLEMENT THIS SECTION.

10 2. PRESCRIBE ADDITIONAL EQUIPMENT REQUIREMENTS NOT IN CONFLICT WITH
11 FEDERAL LAWS.

12 D. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A PETTY OFFENSE.

13 5-908. Operation restrictions

14 A. A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE IN A MANNER THAT
15 CAUSES DAMAGE TO OR DISTURBANCE OF WILDLIFE, WILDLIFE HABITAT, CULTURAL OR
16 NATURAL RESOURCES OR PROPERTY OR IMPROVEMENTS.

17 B. A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE ON ROADS, TRAILS OR
18 ROUTES THAT ARE POSTED CLOSED OR DRIVE ON ANY ROADS, TRAILS OR ROUTES WHERE
19 DRIVING IS PROHIBITED BY RULE.

20 C. A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE IN CONNECTION
21 WITH ACTS OF VANDALISM, HARASSMENT OF WILDLIFE OR DOMESTIC ANIMALS,
22 BURGLARIES OR OTHER CRIMES OR DAMAGE TO THE ENVIRONMENT, INCLUDING EXCESSIVE
23 POLLUTION OF AIR, WATER OR LAND, ABUSE OF THE WATERSHED, IMPAIRMENT OF PLANT
24 OR ANIMAL LIFE OR EXCESSIVE MECHANICAL NOISE.

25 D. A PERSON SHALL NOT PLACE OR REMOVE A REGULATORY SIGN GOVERNING
26 OFF-HIGHWAY VEHICLE USE ON ANY PUBLIC OR STATE LAND. THIS SUBSECTION DOES
27 NOT APPLY TO AN AGENT OF AN APPROPRIATE FEDERAL, STATE, COUNTY, TOWN OR CITY
28 AGENCY OPERATING WITHIN THAT AGENCY'S AUTHORITY.

29 5-909. Race or organized event; authorization required

30 NO PERSON MAY ORGANIZE, PROMOTE OR HOLD AN OFF-HIGHWAY VEHICLE RACE OR
31 OTHER ORGANIZED EVENT ON ANY LAND OR HIGHWAY IN THIS STATE, EXCEPT AS
32 AUTHORIZED BY THE APPROPRIATE AGENCY THAT HAS JURISDICTION OVER THE LAND OR
33 HIGHWAY OR THE LANDOWNER.

34 5-910. Violation; classification

35 UNLESS OTHERWISE SPECIFIED IN THIS CHAPTER, A PERSON WHO VIOLATES THIS
36 CHAPTER IS GUILTY OF A CLASS 3 MISDEMEANOR.

37 Sec. 2. Transfer and renumber

38 Section 28-1175, Arizona Revised Statutes, is transferred and
39 renumbered for placement in title 5, chapter 9, article 1, Arizona Revised
40 Statutes, as added by this act, as section 5-911.

41 Sec. 3. Section 5-911, Arizona Revised Statutes, as transferred and
42 renumbered by this act, is amended to read:

43 5-911. Instruction course; fee

44 A. The ARIZONA GAME AND FISH department shall conduct or approve an
45 educational course of instruction in off-highway vehicle safety and

1 environmental ethics. The course shall include instruction on off-highway
2 vehicle uses that limit air pollution and harm to natural terrain, vegetation
3 and animals. Successful completion of the course requires successful passage
4 of a written examination.

5 B. Any governmental agency, corporation or other individual that
6 conducts a training and educational course that is approved by the department
7 may collect a fee that is reasonable and commensurate for the training and
8 that does not exceed fifty dollars.

9 Sec. 4. Initial terms of members of the off-highway vehicle
10 advisory group

11 A. Notwithstanding section 5-904, Arizona Revised Statutes, as added
12 by this act, the initial terms of members of the off-highway vehicle advisory
13 group are:

- 14 1. Two terms ending January 15, 2008.
- 15 2. Two terms ending January 15, 2009.
- 16 3. Three terms ending January 15, 2010.

17 B. The Arizona state parks board and the Arizona game and fish
18 commission shall make all subsequent appointments as prescribed by statute.

19 Sec. 5. Effective date

20 This act is effective from and after December 31, 2006.